

By: Deshotel

H.B. No. 1278

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that a person who performs certain
3 tissue-altering procedures be licensed.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1602.002(a), Occupations Code, is
6 amended to read as follows:

7 (a) In this chapter, "cosmetology" means the practice of
8 performing or offering to perform for compensation any of the
9 following services:

10 (1) treating a person's hair by:

11 (A) providing any method of treatment as a
12 primary service, including arranging, beautifying, bleaching,
13 cleansing, coloring, cutting, dressing, dyeing, processing,
14 shampooing, shaping, singeing, straightening, styling, tinting, or
15 waving;

16 (B) providing a necessary service that is
17 preparatory or ancillary to a service under Paragraph (A),
18 including bobbing, clipping, cutting, or trimming; or

19 (C) cutting the person's hair as a separate and
20 independent service for which a charge is directly or indirectly
21 made separately from charges for any other service;

22 (2) weaving or braiding a person's hair;

23 (3) shampooing and conditioning a person's hair;

24 (4) servicing a person's wig or artificial hairpiece

1 on a person's head or on a block after the initial retail sale and
2 servicing in any manner listed in Subdivision (1);

3 (5) treating a person's mustache or beard by
4 arranging, beautifying, coloring, processing, styling, or
5 trimming;

6 (6) cleansing, stimulating, or massaging a person's
7 scalp, face, neck, or arms:

8 (A) by hand or by using a device, apparatus, or
9 appliance; and

10 (B) with or without the use of any cosmetic
11 preparation, antiseptic, tonic, lotion, or cream;

12 (7) beautifying a person's face, neck, or arms using a
13 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
14 clay, cream, or appliance;

15 (8) administering facial treatments;

16 (9) removing superfluous hair from a person's body
17 using depilatories or mechanical tweezers;

18 (10) treating a person's nails by:

19 (A) cutting, trimming, polishing, tinting,
20 coloring, cleansing, or manicuring; or

21 (B) attaching false nails; ~~or~~

22 (11) massaging, cleansing, treating, or beautifying a
23 person's hands or feet; or

24 (12) performing a noninvasive procedure on a person's
25 tissue for cosmetic purposes, including microdermabrasion or
26 chemical exfoliation.

27 SECTION 2. Section 1602.254(a), Occupations Code, is

1 amended to read as follows:

2 (a) Except as provided by Section 1602.2585, a [A] person
3 holding an operator license may perform any practice of
4 cosmetology.

5 SECTION 3. Sections 1602.255(a) and (c), Occupations Code,
6 are amended to read as follows:

7 (a) Except as provided by Section 1602.2585, a [A] person
8 holding an instructor license may perform any practice of
9 cosmetology and may instruct a person in any practice of
10 cosmetology.

11 (c) The commission shall adopt rules for the licensing of
12 specialty instructors to teach specialty courses in the practice of
13 cosmetology defined in Sections 1602.002(a)(7) [~~1602.002(7)~~], (9),
14 [~~and~~] (10), and (12).

15 SECTION 4. Subchapter F, Chapter 1602, Occupations Code, is
16 amended by adding Section 1602.2585 to read as follows:

17 Sec. 1602.2585. ELIGIBILITY FOR TISSUE-ALTERING SPECIALIST
18 LICENSE. (a) Only a person holding a tissue-altering specialist
19 license may perform the practice of cosmetology defined in Section
20 1602.002(12).

21 (b) To be eligible for a tissue-altering specialist
22 license, an applicant must:

23 (1) be at least 17 years of age;

24 (2) have obtained a high school diploma or the
25 equivalent of a high school diploma or have passed a valid
26 examination administered by a certified testing agency that
27 measures the person's ability to benefit from training; and

1 (3) have the necessary requisites in the specialty as
2 determined by the department, including training through a
3 commission-approved training program.

4 SECTION 5. Section 1602.262(a), Occupations Code, is
5 amended to read as follows:

6 (a) An applicant for an operator license, instructor
7 license, manicurist license, tissue-altering specialist license,
8 or facialist specialty license is entitled to the license if the
9 applicant:

- 10 (1) meets the applicable eligibility requirements;
11 (2) passes the applicable examination;
12 (3) pays the required fee; and
13 (4) has not committed an act that constitutes a ground
14 for denial of the license.

15 SECTION 6. Section 1602.403(a), Occupations Code, is
16 amended to read as follows:

- 17 (a) A private beauty culture school may not employ:
18 (1) a person holding an operator license, manicurist
19 license, tissue-altering specialist license, or specialty
20 certificate solely to perform the practices of cosmetology for
21 which the person is licensed or certified; or
22 (2) a person holding an instructor license to perform
23 any act or practice of cosmetology.

24 SECTION 7. (a) Not later than January 1, 2008, the Texas
25 Department of Licensing and Regulation shall adopt rules as
26 required by Section 1602.2585, Occupations Code, as added by this
27 Act.

1 (b) Notwithstanding Section 1602.2585, Occupations Code, as
2 added by this Act, a person is not required to hold a license under
3 that section before June 1, 2008.

4 SECTION 8. This Act takes effect September 1, 2007.